

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* CHARLES F. BUTLER

---

Appeal 2007-3210  
Application 10/039,303  
Technology Center 3700

---

Decided: July 29, 2008

---

Before DALE M. SHAW, *Chief Appeals Administrator*.

SHAW, *Chief Appeals Administrator*.

ORDER REMANDING TO THE EXAMINER

On June 12, 2007, this application was received at the Board of Patent Appeals and Interferences (hereinafter "Board"). On June 28, 2007, the Board assigned this application Appeal No. 2007-3210. On July 6, 2007, the Board mailed a Docketing Notice to Appellant. However, on November 1, 2007, Appellant filed an Information Disclosure Statement (IDS). Therefore, this application is being remanded to the Examiner to consider the IDS filed on November 1, 2007. MPEP § 609 (8th ed., Rev. 6, Sept. 2007) requires the Examiner to consider any IDS filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above IDS is required.

Accordingly, it is

ORDERED that this application is remanded to the Examiner to:

- (1) consider Appellant's IDS filed on November 1, 2007,
- (2) notify Appellant in writing of such consideration, and
- (3) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

clj

JAMES D. HALL  
BOTKIN & HALL, LLP  
SUITE 400  
105 EAST JEFFERSON BLVD.  
SOUTH BEND, IN 46601